

COURT OF APPEALS
DIVISION TWO

¶1 On an October night in 2004, a Department of Public Safety (DPS) patrol officer stopped a car registered to and driven by appellant Jane Christine Long as it traveled southbound on State Route 90 toward Sierra Vista. After a drug-detection dog sniffed

around the vehicle and alerted strongly, the officer searched the car, finding in the trunk four glass pipes and a softball-sized quantity of what proved to be methamphetamine.

¶2 A jury found Long guilty in absentia of possessing drug paraphernalia and transporting a dangerous drug for sale. The jury also found she had one prior felony conviction, in Cochise County No. CR200400692, and had been on pretrial release in that case when she committed these crimes.¹ The trial court sentenced her to concurrent, presumptive prison terms of 3.75 and 11.25 years, to be served consecutively to the concurrent, one- and five-year terms contemporaneously imposed in CR200400692. In this delayed appeal, Long contends the trial court committed reversible error in denying her pretrial motion to suppress evidence in which she had argued the patrol officer lacked sufficient grounds to stop her car or search it.

¶3 In reviewing a trial court's ruling on a motion to suppress, "we look only at the evidence presented during the suppression hearing and draw all reasonable inferences in favor of upholding the court's factual determinations." *State v. Guillory*, 199 Ariz. 462, ¶ 9, 18 P.3d 1261, 1264 (App. 2001); *see also State v. Spears*, 184 Ariz. 277, 284, 908 P.2d 1062, 1069 (1992). "We view the facts and evidence in the light most favorable to sustaining the trial court's ruling, but we review questions of law de novo." *State v. Chavez*, 208 Ariz. 606, ¶ 2, 96 P.3d 1093, 1094 (App. 2004). Absent "clear and manifest error," we

¹A jury in May 2005 had found Long guilty in CR200400692 of possessing methamphetamine for sale, possessing marijuana, and possessing drug paraphernalia in August 2004. She was sentenced simultaneously in CR200400692 and this case, CR200400797.

will not interfere with a trial court's ruling on a motion to suppress. *State v. Hyde*, 186 Ariz. 252, 265, 921 P.2d 655, 668 (1996); *see also State v. Jones*, 203 Ariz. 1, ¶ 8, 49 P.3d 273, 277 (2002) ("Clear and manifest error . . . is really shorthand for abuse of discretion."), *supp. op.*, 205 Ariz. 445, 72 P.3d 1264 (2003).

¶4 Four witnesses testified at the suppression hearing: two DPS patrol officers, a DPS sergeant, and a Benson police officer. Their testimony established that, on October 26, 2004, DPS officers Allred and Cox and DPS Sergeant Tritz were all on duty when, separately, each heard a radioed request to "attempt to locate" a red convertible, bearing Arizona license plate number 041 PJA, driven by a female who was reportedly transporting a large quantity of methamphetamine from Tucson to Sierra Vista.

¶5 Officer Allred testified that, after hearing the "attempt to locate" call over the radio, he saw a red Chrysler convertible parked at gas pumps at the junction of State Route 90 and Interstate 10. Allred first verified that the car's license plate matched the one broadcast in the "attempt to locate," then followed the car for approximately a mile as it proceeded south on Route 90 toward Sierra Vista. He testified he stopped the car to check its driver for impairment after observing the car weaving within its lane of travel and traveling ten miles per hour below the posted sixty-five-mile-per-hour speed limit.

¶6 Allred was joined more or less contemporaneously at the scene of the stop by Benson police officer Litchfield, a certified "K-9 handler" who arrived with a trained drug-detection dog. The dog almost immediately gave a "[v]ery strong alert by scratching" as it "perform[ed] a sniff" around Long's car. Based on the dog's reaction, Allred proceeded to

search the car. *See generally State v. Box*, 205 Ariz. 492, ¶ 14, 73 P.3d 623, 627 (App. 2003) (drug dog’s alerting alone provides probable cause for searching vehicle). Contrary to Long’s assertions, the search of the vehicle and its contents was permissible after probable cause arose from the dog’s alerting. *See California v. Acevedo*, 500 U.S. 565, 579-80, 111 S. Ct. 1982, 1990-91 (1991); *United States v. Ross*, 456 U.S. 798, 825, 102 S. Ct. 2157, 2173 (1982).

¶7 Long contends the glass pipes and methamphetamine found in her car should have been suppressed because the officers had neither probable cause nor, she implies, reasonable suspicion to stop her vehicle. She claims, apparently correctly, that she had violated no traffic laws and argues that her driving behavior did not reasonably indicate impairment or justify the stop of her car. The trial court essentially agreed, ruling that the stop would not have been justified “[w]ithout the collective knowledge of the other officers.”² But, the trial court ruled, the cumulative knowledge of the officers involved “clearly justified the traffic stop of [Long’s] vehicle.”

¶8 The “attempt to locate” dispatched on October 26 was spurred by information reported in a 9-1-1 call to DPS by a caller who “wished to remain anonymous.” However, Sergeant Tritz testified, the 9-1-1 system captures the telephone number from which such a call is made, the name of the subscriber, and the subscriber’s address. As Division One of this court held in *State v. Gomez*, 198 Ariz. 61, 6 P.3d 765 (App. 2000), a citizen caller

²Allred testified that he would not have stopped Long’s vehicle based solely on the “attempt to locate.”

making a traceable call to 9-1-1 places his or her credibility at risk in a way that a totally anonymous caller does not. Thus, information provided by the former enjoys enhanced reliability based on the ability of law enforcement officials to trace the call and presumably identify the caller. *Id.* ¶ 18.

¶9 In *Gomez*, the 9-1-1 caller reported having seen a person in a pickup truck recklessly pointing a gun out the passenger-side window and waving it in the air. The caller provided the make, color, and license plate number of the truck and described its direction of travel. *Id.* ¶ 3. Division One held the information volunteered by a “disinterested private citizen” gave officers reasonable suspicion to stop a pickup truck matching the color, make, license plate number, and direction of travel described by the caller. *Id.* ¶¶ 18-19.

¶10 The trial court here did not expressly decide—nor need we—whether, standing alone, the information supplied by the 9-1-1 caller would have given the officers reasonable suspicion to stop Long’s vehicle, as was the case in *Gomez*. Here, both Sergeant Tritz and Officer Cox had additional, pertinent information about Long, acquired through relatively recent, personal experience. Their additional knowledge tended to corroborate the anonymous tip to 9-1-1 and thus increased the reasonableness of the officers’ collective suspicions.

¶11 Tritz testified that he had participated two months earlier in searching Long’s bedroom in a Sierra Vista residence where he had found marijuana, methamphetamine, and drug paraphernalia, leading to the charges brought against Long in CR200400692. Moreover, Tritz testified, following Long’s arrest on those charges, he had received separate

information from a confidential source “[t]hat there was a person named Jane . . . selling methamphetamine” in the same neighborhood where Long was living and where Tritz had searched her bedroom.

¶12 Officer Cox testified that her previous contact with Long had also occurred two months earlier, at a border patrol checkpoint on State Route 90. On that occasion, Long and a male companion had been northbound when they were stopped at the checkpoint and a border patrol agent had found approximately \$3,600 in Long’s purse. Long’s companion had told Cox he was taking Long to Tucson to buy methamphetamine. And he reported that Long both sold methamphetamine and used it daily.

¶13 It is well settled in Arizona that the collective knowledge of multiple officers may supply reasonable suspicion for an investigative stop or probable cause for an arrest. *State v. Lawson*, 144 Ariz. 547, 553, 698 P.2d 1266, 1272 (1985); *State v. Wiley*, 144 Ariz. 525, 531, 698 P.2d 1244, 1250 (1985), *overruled on other grounds by State v. Superior Court*, 157 Ariz. 541, 760 P.2d 541 (1988); *State v. Sardo*, 112 Ariz. 509, 514, 543 P.2d 1138, 1143 (1975); *State v. Smith*, 110 Ariz. 221, 224, 517 P.2d 83, 86 (1973); *State v. Keener*, 206 Ariz. 29, ¶14, 75 P.3d 119, 122 (App. 2003); *State v. Peterson*, 171 Ariz. 333, 335, 830 P.2d 854, 856 (App.1991). This was the legal basis on which the trial court ruled the investigatory stop of Long’s vehicle was justified and, thus, denied her motion to suppress.

¶14 As soon as Tritz learned from a dispatcher that Jane Long was the registered owner of the red convertible whose license plate the 9-1-1 caller had provided, the personal

knowledge Tritz and Cox had recently acquired—that Long was apparently both a user and seller of methamphetamine—corroborated and bolstered the reliability of the information provided by the 9-1-1 caller. Although the additional information in their possession was not known to Officer Allred when he located, followed, and eventually stopped Long’s vehicle, his personal knowledge was not legally required. *See Lawson*, 144 Ariz. at 553, 698 P.2d at 1272; *Wiley*, 144 Ariz. at 531, 698 P.2d at 1250; *Sardo*, 112 Ariz. at 514, 543 P.2d at 1143; *Smith*, 110 Ariz. at 224, 517 P.2d at 86; *Keener*, 206 Ariz. at 32, 75 P.3d at 122; *Peterson*, 171 Ariz. at 335, 830 P.2d at 856. As the trial court correctly ruled, “[t]he collective knowledge of the officers involved in the operation clearly justified the traffic stop.”

¶15 We find no abuse of the trial court’s discretion, and thus no reversible error, in the trial court’s denial of the motion to suppress evidence. Long’s convictions and sentences are, therefore, affirmed.

JOHN PELANDER, Chief Judge

CONCURRING:

JOSEPH W. HOWARD, Presiding Judge

GARYE L. VÁSQUEZ, Judge

